

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 178 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHURAJI CHAGANJI

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner

Mr MR ANAND, P.P. with Mr.N.D.Gohil, A.P.P. for
Respondents

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 18/02/97

ORAL JUDGEMENT

Rule. Service of Rule waived by Mr.M.R.Anand,
learned P.P. with Mr. N.D.Gohil, learned A.P.P. for the
Respondents.

2. Heard. The facts inter-alia indicate that the
furlough could not be availed of on account of the
prisoner having been in judicial custody in some other

matter. Since now the prisoner has been enlarged on bail in the case in which he was in judicial custody he has prayed for extension of time to avail of the furlough. Note : 5 to Rule : 3 of the Prison (Bombay Furlough and Parole) Rules, 1959, has been relied upon on behalf of the respondents. However, it is not in dispute that the concerned Authority would extend the period as stated in the Note : 5 to Rule 3 when there are reasonable and valid causes of extension for such period. Hence in the facts of the case there is no reason why the period be not extended. Following order is, therefore, passed :

The period for giving effect to the order of furlough which has been passed by this Court is hereby extended and the petitioner shall be released on furlough on usual terms and conditions accordingly within a period of two weeks from the date of receipt of the writ of this direction. Rule is made absolute in the aforesaid terms.

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